

SENATE BILL No. 527

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-19-2; IC 20-26-15-5; IC 20-31-8-1; IC 20-32; IC 20-33-3; IC 20-51-1-4.7.

Synopsis: School performance measures. Provides that an accredited nonpublic school or freeway school may administer, instead of the ISTEP program, another nationally recognized and norm referenced assessment. Corrects obsolete cross-references.

Effective: July 1, 2015.

Schneider

January 14, 2015, read first time and referred to Committee on Education & Career Development.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 527

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-19-2-8, AS AMENDED BY P.L.286-2013,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 8. (a) In addition to any other powers and duties
4 prescribed by law, the state board shall adopt rules under IC 4-22-2
5 concerning, but not limited to, the following matters:
6 (1) The designation and employment of the employees and
7 consultants necessary for the department. The state board shall fix
8 the compensation of employees of the department, subject to the
9 approval of the budget committee and the governor under
10 IC 4-12-2.
11 (2) The establishment and maintenance of standards and
12 guidelines for media centers, libraries, instructional materials
13 centers, or any other area or system of areas in a school where a
14 full range of information sources, associated equipment, and
15 services from professional media staff are accessible to the school
16 community. With regard to library automation systems, the state



board may only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).

(3) The establishment and maintenance of standards for student personnel and guidance services.

(4) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools. Observance of:

(A) IC 20-31-4;

(B) IC 20-28-5-2;

(C) IC 20-28-6-3 through IC 20-28-6-7;

(D) IC 20-28-11.5; and

(E) IC 20-31-3, IC 20-32-4, IC 20-32-5, and IC 20-32-8;

is a prerequisite to the accreditation of a school. Local public school officials shall make the reports required of them and otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.

(5) The distribution of funds and revenues appropriated for the support of schools in the state.

(6) The state board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools. **For a school year beginning after June 30, 2016, IC 20-32-10 applies to an accredited nonpublic school.**

(7) A separate system for recognizing nonpublic schools under IC 20-19-2-10. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that apply to nonpublic schools that seek to qualify for the system of recognition.

(8) The establishment and enforcement of standards and guidelines concerning the safety of students participating in cheerleading activities.

(9) Subject to IC 20-28-2, the preparation and licensing of teachers.

(b) Before final adoption of any rule, the state board shall make a finding on the estimated fiscal impact that the rule will have on school corporations.

SECTION 2. IC 20-19-2-14.5, AS AMENDED BY P.L.31-2014,



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14.5. (a) As used in this section:

(1) "college and career readiness educational standards" means the standards that a high school graduate must meet to obtain the requisite knowledge and skill to transition without remediation to postsecondary education or training, and ultimately into a sustainable career; and

(2) "cut scores" means the scores that define a student's performance on an assessment, including passing, failing, or falling into a performance category.

(b) Before July 1, 2014, the state board shall adopt Indiana college and career readiness educational standards, voiding the previously adopted set of educational standards. The educational standards must do the following:

(1) Meet national and international benchmarks for college and career readiness standards and be aligned with postsecondary educational expectations.

(2) Use the highest standards in the United States.

(3) Comply with federal standards to receive a flexibility waiver under 20 U.S.C. 7861, as in effect on January 1, 2014.

(4) Prepare Indiana students for college and career success, including the proper preparation for nationally recognized college entrance examinations such as the ACT and SAT.

(5) Maintain Indiana sovereignty.

(6) Provide strict safeguards to protect the confidentiality of student data.

(c) ~~The department shall administer ISTEP assessments under IC 20-32-5 during the 2013-2015 biennium.~~ During the 2015-2016 school year, subject to subsection (e), the state board shall authorize the department to administer either the ISTEP assessment under IC 20-32-5 or a comparable assessment program that is aligned with the educational standards adopted by the state board under subsection (b). **During the 2016-2017 school year and each year thereafter, subject to subsection (e), the state board shall authorize the department to administer a qualified assessment under IC 20-32-10-1 to accredited nonpublic schools.**

(d) Before the state board may authorize an assessment program under subsection (c), the state board shall submit the proposed assessment program to the budget committee for review.

(e) This subsection does not apply to an agreement with the United States Department of Education concerning a waiver from federal requirements. After June 30, 2013, the state, or the state board on



1 behalf of the state, may not enter into or renew an agreement with any
 2 organization, entity, group, or consortium that requires the state to cede
 3 any measure of autonomy or control of education standards and
 4 assessments, including cut scores.

5 (f) The state board may adopt emergency rules in the manner
 6 provided in IC 4-22-2-37.1 to implement this section. As provided in
 7 IC 4-22-2-37.1 for an emergency rule adopted under this section to be
 8 effective after one (1) extension period, the rule must be adopted in
 9 conformity with the procedures under IC 4-22-2-24 through
 10 IC 4-22-2-36.

11 SECTION 3. IC 20-26-15-5, AS AMENDED BY P.L.286-2013,
 12 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2015]: Sec. 5. Notwithstanding any other law, the operation
 14 of the following is suspended for a freeway school corporation or a
 15 freeway school if the governing body of the school corporation elects
 16 to have the specific statute or rule suspended in the contract:

17 (1) The following statutes and rules concerning curriculum and
 18 instructional time:

19 IC 20-30-2-7

20 IC 20-30-5-8

21 IC 20-30-5-9

22 IC 20-30-5-11

23 511 IAC 6-7-6

24 511 IAC 6.1-5-0.5

25 511 IAC 6.1-5-1

26 511 IAC 6.1-5-2.5

27 511 IAC 6.1-5-3.5

28 511 IAC 6.1-5-4.

29 (2) The following rule concerning pupil/teacher ratios:

30 511 IAC 6.1-4-1.

31 (3) The following statutes and rules concerning curricular
 32 materials:

33 IC 20-26-12-24

34 IC 20-26-12-26

35 IC 20-26-12-1

36 IC 20-26-12-2

37 511 IAC 6.1-5-5.

38 (4) 511 IAC 6-7, concerning graduation requirements.

39 (5) IC 20-31-4, concerning the performance based accreditation
 40 system.

41 (6) IC 20-32-5, concerning the ISTEP program established under
 42 IC 20-32-5-15, if:



(A) an alternative locally adopted assessment program is adopted under section 6(7) of this chapter; or

(B) for a school year beginning after June 30, 2016, an assessment under IC 20-32-10 is administered.

SECTION 4. IC 20-31-8-1, AS AMENDED BY P.L.268-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) **Except as provided in IC 20-32-10**, the performance of a school's students on the ISTEP program test and other assessments recommended by the education roundtable and approved by the state board are the primary and majority means of assessing a school's improvement.

(b) The education roundtable shall examine and make recommendations to the state board concerning:

- (1) performance indicators to be used as a secondary means of determining school progress;
- (2) expected progress levels, continuous improvement measures, distributional performance levels, and absolute performance levels for schools; and
- (3) an orderly transition from the performance based accreditation system to the assessment system set forth in this article.

(c) The education roundtable shall consider methods of measuring improvement and progress used in other states in developing recommendations under this section.

(d) The education roundtable may consider:

- (1) the likelihood that a student may fail a graduation exam and require a graduation waiver under IC 20-32-4-4 or IC 20-32-4-5; and
- (2) remedial needs of students who are likely to require remedial work while the students attend a postsecondary educational institution or workforce training program;

when making recommendations under this section.

SECTION 5. IC 20-32-5-17, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) If a nonpublic school seeks accreditation as authorized under ~~IC 20-19-2-8(a)(5)~~, **IC 20-19-2-8(a)(6)**, the governing body of the nonpublic school is entitled to acquire at no charge from the department:

- (1) the ISTEP program test **or a test described in IC 20-32-10-1**; and
- (2) the scoring reports used by the department.

(b) The nonpublic school seeking accreditation must:

- (1) administer the ISTEP program test to its students at the same



time that school corporations administer the test; and

(2) make available to the department the results of the ISTEP program testing.

SECTION 6. IC 20-32-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 10. Growth to Proficiency Assessments

Sec. 1. (a) Beginning in the 2016-2017 school year and each school year thereafter, an accredited nonpublic school may administer, instead of the ISTEP program under IC 20-32-5, another nationally recognized and norm referenced assessment in the same manner as a participating school as described under IC 20-51-1-6.

(b) The state board may approve a locally adopted assessment program for an accredited nonpublic school upon request by the accredited nonpublic school.

Sec. 2. The state board shall develop and maintain a method of reconciling the approved performance and growth assessment programs under section 1 of this chapter for purposes of measuring a school's improvement under IC 20-31-8-1.

SECTION 7. IC 20-33-3-7, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This chapter applies to a child less than eighteen (18) years of age who is employed or is seeking employment in Indiana.

(b) A child less than eighteen (18) years of age who is a resident of Indiana and who requires an employment certificate shall obtain the employment certificate from the issuing officer of the:

(1) accredited school (as described in ~~IC 20-19-2-8(a)(5))~~

IC 20-19-2-8) that the child attends; or

(2) school corporation in which the child resides.

(c) A child less than eighteen (18) years of age who is not a resident of Indiana and who requires an employment certificate to work in Indiana shall obtain the certificate from the issuing officer of the school corporation in which the child is:

(1) employed; or

(2) seeking employment.

The judge of a court with juvenile jurisdiction may suspend the application of this chapter in cases involving juvenile delinquents or incorrigibles whenever, in the opinion of the judge, the welfare of a child warrants this action.

SECTION 8. IC 20-33-3-8, AS AMENDED BY P.L.1-2007, SECTION 147, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The issuing officer in each accredited school (as described in ~~IC 20-19-2-8(a)(5)~~ **IC 20-19-2-8**) shall be an individual who is:

- (1) a guidance counselor;
- (2) a school social worker; or
- (3) an attendance officer for the school corporation and a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5;

and designated in writing by the principal.

(b) During the times in which the individual described in subsection (a) is not employed by the school or when school is not in session, there shall be an issuing officer available:

- (1) who is a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5; and
- (2) whose identity and hours of work shall be determined by the principal.

SECTION 9. IC 20-51-1-4.7, AS AMENDED BY P.L.211-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.7. "Eligible school" refers to a public or nonpublic elementary school or high school that:

- (1) is located in Indiana;
- (2) requires an eligible choice scholarship student to pay tuition or transfer tuition to attend;
- (3) voluntarily agrees to enroll an eligible choice scholarship student;
- (4) is accredited by either the state board or a national or regional accreditation agency that is recognized by the state board;
- (5) administers: ~~the~~

(A) the Indiana statewide testing for educational progress (ISTEP) program under IC 20-32-5 or a comparable assessment program adopted by the state board under IC 20-19-2-14.5(c); or

(B) for an accredited nonpublic school for a school year beginning after June 30, 2016, an assessment under IC 20-32-10 or the Indiana statewide testing for educational progress (ISTEP) program under IC 20-32-5;

(6) is not a charter school or the school corporation in which an eligible choice scholarship student has legal settlement under IC 20-26-11; and

(7) submits to the department only the student performance data required for a category designation under IC 20-31-8-3.

